

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA No.D-1725-DB of 2014 (O&M)
Date of Decision: 04.05.2015

Kawaljit Kaur

..... Appellant

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. G.S. Sandhu, Advocate
for the appellant.

S.S. Saron, J.

Kawaljit Kaur (applicant-appellant), who is the wife of the deceased in the case namely Rajdeep Singh, is aggrieved against the judgment and order dated 25.09.2014 passed by the learned Additional Sessions Judge, Patiala whereby Gurbaj Singh @ Bajju (respondent No.2) has been acquitted of the offences punishable under Section 302/34 Indian Penal Code ('IPC' – for short). She prays for acceptance of the appeal and for setting aside the impugned judgment and order passed by the learned Additional Sessions Judge, Patiala and for convicting Gurbaj Singh @ Bajju (respondent No.2) for the offence under Section 302/34 IPC.

Rajdeep Singh (deceased) was admitted in Columbia Asia Hospital, Patiala on 18.03.2012 as a case of road side accident. He remained admitted there till his demise on 25.03.2012. After Rajdeep Singh was admitted in the hospital, his uncle Anup Singh lodged a report with the police on 19.03.2012 that Rajdeep Singh received injuries as the motorcycle which he was riding, had skidded. A daily diary report (DDR) was recorded at the Police

Station in this regard. It was mentioned therein that Gurbaj Singh @ Bajju (respondent No.2) was driving the motorcycle and he informed Anup Singh about the accident. Proceedings under Section 174 of the Code of Criminal Procedure ('Cr.P.C.' - for short) as regard the death of Rajdeep Singh, were conducted by the Police.

The prosecution case is that Surjit Singh (PW4) maternal uncle of Rajdeep Singh (deceased) during the 'bhog' ceremony informed Kawaljit Kaur (appellant) wife of deceased Rajdeep Singh that in fact Rajdeep Singh had been murdered by Gurbaj Singh @ Bajju (respondent No.2) and Mani Sharma @ Manpreet Sharma son of Subhash Chand, who was declared a juvenile by the learned Additional Sessions Judge, Patiala vide order dated 10.12.2012.

In view of the said position, the statement of Kawaljit Kaur (appellant) was recorded by the police. She stated that she was married with Rajdeep Singh in the year 2001. She had two children, a son namely Prabh Simran Singh aged 10 years and a daughter namely Anmol Preet Kaur aged 8 years from the said marriage. Her husband was an agriculturist. She came to know about the accident of her husband on 18.03.2012 at about 10.30 p.m. At that time he was admitted in Columbia Asia Hospital, Patiala by their relatives. He died on 25.03.2012. Her uncle Anup Singh had got proceedings under Section 174 Cr.P.C. conducted. The 'Antim Ardas' of her husband was held at Gurudwara Sahib, Chhintawala on 04.04.2012. At the time of the 'bhog' ceremony, Surjit Singh (PW4) son of Kartar Singh resident of village Chhintawala, maternal uncle of Rajdeep Singh, took the appellant

aside and disclosed that on 18.03.2012 at about 9.00/9.30 pm, he was returning from Nabha to village Chhitanwala after doing some household work. He stopped his motorcycle on the path along the canal in village Chhintawala for easing himself. In the light of the motorcycle, he saw that Gurbaj Singh @ Bajju (respondent No.2) was beating Rajdeep Singh (deceased) with an iron rod. Mani Sharma (juvenile) was also with him. Surjit Singh further disclosed that since he was terrified so he turned around and reached his house. According to Surjit Singh, Rajdeep Singh did not die due to the injuries suffered by him in a road side accident but he had been killed by Gurbaj Singh @ Bajju (respondent No.2) who had caused injuries to him. Kawaljit Kaur (appellant) further stated that her husband had been lending money to Gurbaj Singh @ Bajju (respondent No.2) and due to the said reason, Gurbaj Singh @ Bajju and Mani Sharma (juvenile) had murdered her husband.

The statement of Kawaljit Kaur (appellant) was recorded by Inspector Sanjeev Goel, SHO of Police Station Sadar Nabha. Case FIR No.21 dated 4.4.2012 for the offence punishable under Section 302/34 IPC was registered at Police Station Sadar Nabha. The investigation in the case was thereafter conducted by the Inspector/SHO Sanjeev Goel. Photographs of the place of occurrence were taken by Sanjiv Kumar, Photographer. Surjit Singh son of Kartar Singh also reached at the spot. The Investigating Officer found that there were some blood stains on a bark of the 'Arjan' tree that was growing there; besides, the bark of the tree had got peeled off. The blood from the tree was scratched off and the Investigating Officer put it in a plastic box, which was sealed

with his seal bearing impression 'SG'. The seal after use was handed over to Surjit Singh, witness. A rough site plan of the place of occurrence on the demarcation given by Surjit Singh (PW4) was prepared. Statements of the witnesses were recorded. A raid was conducted at the house of the accused Gurbaj Singh Bajju (respondent No.2) and Mani Ram but they could not be arrested. The case property, on return to the Police Station, was deposited with MHC by him.

Gurbaj Singh @ Bajju and Mani Sharma were arrested by the police on the next day i.e. 05.04.2012. In pursuance of the disclosure statement made by Gurbaj Singh, an iron rod was recovered by the police from the path along the canal. The iron rod was taken in possession vide recovery memo. Rough site plan of the place of recovery was prepared. The motorcycle that belonged to Rajdeep Singh (deceased) was produced before the police by Anup Singh. It was taken in possession by a separate recovery memo. The postmortem examination record and documents of treatment of Rajdeep Singh were also taken in possession. The parcel containing the bark of a tree, which had blood stains on it was sent to the FSL for examination.

The police report ('challan') was filed in the Court of the learned Sub Divisional Judicial Magistrate, Nabha. The learned Magistrate in view of the offence under Section 302/34 IPC being alleged vide her order dated 30.07.2012 committed the case to the Court of learned Sessions Judge, Patiala for trial.

The learned Additional Sessions Judge, Patiala to whom the case was assigned framed charges on 03.08.2012 against

Gurbaj Singh @ Bajju (respondent No.2) for the offence under Sections 302/34 IPC. He pleaded not guilty to the charges and claimed trial. Mani Sharma, the co-accused of Gurbaj Singh @ Bajju (respondent No.2) was declared a juvenile by the learned Additional Sessions Judge, Patiala vide order dated 10.12.2012.

The prosecution in order to establish its case examined as many as 17 witnesses, besides, tendered documents in evidence. The statement of Gurbaj Singh (respondent No.2) was recorded in terms of Section 313 Cr.P.C. and the incriminating evidence and material appearing against him was put to him. He, however, denied the same and pleaded innocence. He raised a plea that the witness Surjit Singh was inimical to him due to rivalry in connection with Panchayat elections. On one occasion, it is stated that Surjit Singh had abused him and the matter was taken to the Panchayat and Surjit Singh had to apologize to him. According to Gurbaj Singh @ Bajju (respondent No.2) on the date of the incident, he along with Rajdeep Singh (deceased) and Mani Sharma (juvenile) was returning to village Chhintawala after attending a party, held by his uncle who had been promoted as a 'Thanedar' (SHO). They had drinks at the house of his uncle. When he (Gurbaj Singh) had turned the motorcycle towards the path along the canal to drop Rajdeep Singh (deceased) at his house, he lost control of the motorcycle as the road was uneven. The motorcycle hit the 'Arjan' tree which was there. All of them fell down. The head of Rajdeep Singh hit the tree. Gurbaj Singh @ Bajju (respondent No.2) and Mani Sharma (juvenile), however, fell in the wheat field. In the light of the motorcycle, he saw that blood was oozing from the

mouth of Rajdeep Singh. Gurbaj Singh @ Bajju (respondent No.2) picked him up and made a call to his uncle Anup Singh. Thereafter, he called Bakhshish Singh. Bakhshish Singh, Anup Singh, Raju and some other persons reached there and they took Rajdeep Singh to the hospital of Dr. Sham Singh at Nabha and then to Columbia Asia, Patiala. Gurbaj Singh (respondent No.2) further stated that he had been implicated in a false case.

The learned trial Court, after considering the evidence and material on record, acquitted Gurbaj Singh @ Bajju (respondent No.2). Kawaljit Kaur (appellant) wife of Rajdeep Singh (deceased) aggrieved against his acquittal has filed the present appeal.

The learned counsel for the appellant has contended that the evidence of Surjit Singh (PW 4) is clear to the effect that he had seen Gurbaj Singh (respondent No.2) inflicting injuries with an iron rod to Rajdeep Singh (deceased), which it is stated is also established from the deposition of Dr. Harish Tulli (PW 5). It is submitted that Dr. Harish Tulli, Consultant, Columbia Asia Hospital, Patiala (PW 5), in his cross-examination, inter alia stated that the possibility of presence of contusion or abrasion on the head of a person on being given injuries by a person with the help of a rod could not be ruled out. It is further submitted that there are injuries on both sides of the head Rajdeep Singh (deceased), which cannot be due to fall on the right side. Besides, no injury has been suffered by Gurbaj Singh @ Bajju (respondent No.2) and Mani Sharma (juvenile), the other co-accused. It is further submitted that the motive for Gurbaj Singh @ Bajju (respondent No.2) to commit the murder of Rajdeep Singh was that he had been lending

money to him. Besides, there was no motive for the appellant to falsely implicate Gurbaj Singh @ Bajju (respondent No.2).

We have given our thoughtful consideration to the matter.

It is to be noticed that Rajdeep Singh was admitted in Columbia Asia Hospital, Patiala on 18.03.2012 and he remained there till he died on 25.03.2012. During this period, there was no allegation of any kind that Gurbaj Singh @ Bajju (respondent No.2) or Mani Sharma (juvenile) had been given a beating with an iron rod to Rajdeep Singh. Intimation regarding admission of Rajdeep Singh was sent to Police Station mentioning that he was got admitted in the hospital by Gurbaj Singh @ Bajju (respondent No.2) on 18.03.2012 at 10.40 pm. The learned trial Court noticed that Dr. Harish Tulli (PW-5), who medico legally examined Rajdeep Singh and prepared the MLR (Ex.PW5/A) found that there was bleeding from the nose and mouth. There was a bite on the left side of the tongue. Besides, there was diffused swelling on the left cheek with left eyelid. He stated that there was no contusion or abrasion on the head of Rajdeep Singh. Dr. Harish Tulli (PW-5) in his cross examination stated that the possibility of head injury suffered by the deceased in the road side accident could not be ruled out.

The learned counsel for the appellant has, however, laid emphasis on the deposition of Dr. Harish Tulli (PW-5) wherein in his cross-examination, he stated that the possibility of presence of contusion or abrasion on the head of a person on being given injuries by a person with the help of rod could not be ruled out. In this regard, it may be noticed that in fact the police had submitted

an application (Ex.PW5/D) to get an opinion of the doctor as to whether the injury in question could have been caused with an iron rod. The injury mentioned by Dr. Harish Tulli (PW-5) in his medico legal report (Ex.PW-5/A) on the person of Rajdeep Singh is as follows:-

“There was bleeding from nose and mouth. There was tongue bite left side of tongue. There was defused swelling of left cheek with left eyelid.”

On the said application (Ex.PW5/D), Dr. Harish Tulli (PW-5) gave his opinion that the possibility of injury having been inflicted with a rod could not be ruled out. The postmortem examination on the dead body of Rajdeep Singh was conducted by Dr. Gurpreet Singh (PW-7). He proved the postmortem report (Ex.PA/1); besides, he submitted his affidavit (Ex.PA), in which injury No.1 is mentioned as a diffused swelling present on the right side of head. A stitched wound 18 cm in length was present antero posteriorly on the middle of the head starting from anterior hairline, a second stitched wound 20 cm was present on the head starting from the point where first stitched wound ends. On dissection craniotomy scar was seen, collection of blood and haematoma formation was present. Injury No.2, it is mentioned that the tongue was lacerated on left side. Injury No.3 is mentioned as swelling of the left side face and left infraorbital area was present. On dissection fracture of the left zygoma was present associated with displaced comminuted fracture of all the walls of left maxillary sinus. Injury No.4 is an open wound 2 cm x ½ cm present on the centre of neck i.e. tracheotomy wound. Injury No.5 is

mentioned as unnatural movement was present in the right clavicular area. On dissection there was fracture of right clavicle present on its lateral 1/3rd. Injury No.6 is mentioned as unnatural movement of the left elbow present. On dissection comminuted fracture of the medial condyle of left humerus was present. Injury No.7 is mentioned as a stitched wound size 15 cm in length present in right iliac fossa and injury No.8 is an abrasion present on right side scrotal area ½ x ½ cm in size.

Dr. Gurpreet Singh (PW-7) opined that the cause of death of Rajdeep Singh was hemorrhage and shock due to head injury. Besides, all the injuries were ante mortem in nature. In his cross examination, he stated that there was no injury on the dead body which could have been inflicted with an iron rod.

The opinion of Dr. Harish Tulli (PW-5) on which emphasis has been laid by learned counsel for the appellant, it may be noticed, is only a possibility and as against this Dr. Gurpreet Singh (PW-7), who conducted the postmortem examination has given a definite opinion that there was no injury on the dead body of Rajdeep Singh, which could have been inflicted with an iron rod.

The other contention of learned counsel for the appellant is that there were injuries on both sides of the head of Rajdeep Singh (deceased), which could not be due to fall on the right side.

The injuries suffered by Rajdeep Singh and recorded in the affidavit (Ex.PA) of Dr. Gurpreet Singh (PW-7), who conducted the postmortem examination have been noticed above. Injury No.1 is a diffused swelling on the right side of head; besides, injury No.7

is a stitched wound of the size 15 cm in length present in the right iliac fossa and injury No.8 is an abrasion present on the right side scrotal area $\frac{1}{2} \times \frac{1}{2}$ cm in size. These injuries were on the right side of the body of Rajdeep Singh. However, injury No.3 is a swelling on the left side face and left infraorbital area was present. The said injury No.3 is on the left side of Rajdeep Singh. On dissection fracture of the left zygoma was present associated with displaced comminuted fracture of all the wall of left maxillary sinus. This in fact could be the result of a fall on the right side with its impact on the left side as well. It was in fact for the prosecution to have dispelled this by getting necessary opinion from the doctor and the Court would not be in a position to ascertain the medical nature of the injury on the left side. Besides, Dr. Gurpreet Singh, (PW7) in his evidence stated that the case was of a road side accident and the patient was having road side injuries on his person. He was treated in the hospital also as a road side accident and he succumbed to the road side injuries in Columbia Asia Hospital, Patiala. At no point of time, any alleged weapon was shown by the prosecution to Dr. Gurpreet Singh (PW7) for seeking his opinion as to whether the injuries could be caused with the same. According to Dr. Gurpreet Singh (PW7) there was in fact no injury on the person of the deceased which could have been inflicted with an iron rod. The injuries on the person of the deceased could be the result of his fall on a surface in a motorcycle vehicular accident and by falling from a motorcycle. This case was not reported as a case of assault injuries on the person of Rajdeep Singh. The police had also moved an application for post-mortem examination of the deceased as a case

of road side accident. Therefore, the overwhelming medical evidence is that the death of Rajdeep Singh had occurred due to a road side accident and not by inflicting injuries with an iron rod. Even otherwise the photograph of the motorcycle which are exhibited on record and the report Ex.PC of Head Constable Rajinder Kumar, Mechanic show that the motorcycle parts on its right side had dents, which is also indicative of the fact that the motorcycle fell on its right side; besides, it got damaged in an accident that had occurred.

The case of Gurbaj Singh (respondent No.2) is that he along with Rajdeep Singh and Mani Sharma (juvenile) was returning to village Chhintawala after his uncle who had been promoted as 'Thanadar' had a party. They had drinks at the house of his uncle. While they were returning home, the accident occurred when the motorcycle being driven by Gurbaj Singh (respondent No.2) struck against a tree when he lost control of it. This indeed in the facts and circumstances of the case shows that the accident had occurred in the manner as has been stated by Gurbaj Singh (respondent No.2), which is also evident from the other facts and circumstances that have been noticed.

The motive for committing the crime according to Kawaljit Kaur (appellant) is that her husband had been lending money to Gurbaj Singh @ Bajju (respondent No.2) and due to that reason, Gurbaj Singh and Mani Sharma (juvenile) had murdered her husband. However, no evidence was led, which would prove the lending of any money by Rajdeep Singh to Gurbaj Singh @ Bajju. No evidence of dealings or money transactions between the two has

been brought on record. Therefore, no reason or motive has been established for the commission of crime by Gurbaj Singh @ Bajju (respondent No.2). In the circumstances, the fact that the accident occurred due to the motorcycle losing its control cannot be discounted.

Surjit Singh (PW4) was the maternal uncle of Rajdeep Singh (deceased). He claimed to be an eye witness but he took no steps for taking his nephew to a hospital but the person who was stated to be the assailant i.e. Gurbaj Singh (respondent No.2) had taken the injured to the hospital. In case the accused Gurbaj Singh wanted to kill Rajdeep Singh due to some monetary dispute, there was no reason for him to have taken him to the hospital. It may also be noticed that after the accident, Surjit Singh (PW4) disclosed this fact only to Kawaljit Kaur wife of deceased Rajdeep Singh, during the 'bhog' ceremony of Rajdeep Singh on 04.04.2012 i.e. after 18 days of the incident. However, he did not disclose the same to anyone else before this. In fact, it has come on record that Surjit Singh had relatives in the Police Department and they had been visiting Rajdeep Singh in the hospital and they attended the 'bhog' ceremony of Rajdeep Singh also, but despite that Surjit Singh (PW4) did not disclose anything to anyone.

The learned trial Court observed that Surjit Singh (PW4) was not an ordinary person and he had remained Sarpanch of the village for 10 years and his brother Sewa Singh (PW10) even had remained Sarpanch of the village for 5 years. Therefore, Surjit Singh was a prominent person of the area. Had his nephew (Rajdeep Singh) been given a beating in the manner as alleged and

in his presence, he would not have run away from the spot. Even if he was terrified, he could have easily made a telephone call to the parents of Rajdeep Singh or the police. Besides, he made no effort to save Rajdeep Singh from the accused or made any arrangement for taking him to a hospital. It was held to be unbelievable that even after escaping from the spot, he (Surjit Singh) did not inform the family members of Rajdeep Singh about the occurrence. He did not talk about the said occurrence with his real brother Sewa Singh (PW10). His conduct was held to be highly unnatural and the same was observed to be not congruence with the version that the injuries were caused to Rajdeep Singh in his presence.

Apart from the above observations of the learned trial Court, it may be noticed that Surjit Singh (PW4), even if his presence at the time of the incident is to be accepted, he would be in a position of a chance witness. In Ismail Ahmed Peepadi v. Momin Bibi and others, AIR 1941 PC 11, it was held that though a 'chance witness' is not necessarily a false witness, it is proverbially rash to rely upon such evidence. In fact, his evidence indeed does not inspire confidence inasmuch as despite being a Sarpanch of the village for 10 years, he did not disclose the incident that had occurred on 18.03.2012 during the hospitalization of Rajdeep Singh till 25.03.2012 and then after his death till his 'bhog' ceremony on 04.04.2012.

Gurbaj Singh @ Bajju (respondent No.2) according to the prosecution case also made an extra judicial confession before Sewa Singh (PW10). Sewa Singh (PW10) stated that both the accused i.e. Gurbaj Singh and Mani Sharma came to him on

05.04.2012 and made an extra judicial confession before him that they had committed the murder of Rajdeep Singh. They requested him to produce them before the police. He produced them before the police and they were arrested vide memo Ex.PF. He further disclosed that Gurbaj Singh @ Bajju (respondent No.2) during his interrogation made a disclosure statement (Ex.PG) regarding an iron rod, which he got recovered in pursuance of his said statement and recovery memo in this regard was Ex.PG/1.

The learned trial Court noticed that Sewa Singh (PW10) was the real brother of Surjit Singh (PW4) and it was found to be quite strange that one brother namely Surjit Singh (PW4) had seen the occurrence and yet he remained silent for 18 days. It is when Surjit Singh (PW4) disclosed the occurrence on 04.04.2012 that the accused Gurbaj Singh @ Bajju (respondent No.2) on the next day i.e. 05.04.2012 approached his brother Sewa Singh (PW10) and made an extra judicial confession. The learned trial Court held that the accused would not have dared to approach the real maternal uncle of the deceased in such a manner. Therefore, the testimony of Sewa Singh was held to be doubtful.

There is indeed no flaw in the said finding reached at by the learned trial Court. Even otherwise it is to be noticed that according to Sewa Singh (PW10); Gurbaj Singh @ Bajju (respondent No.2) and Mani Sharma (juvenile) had approached him (PW10) together and they made a joint extra judicial confession. In fact an extra judicial confession is a weak evidence and it is to be viewed with care and caution and a conviction on its basis is rarely recorded. Besides, a joint extra judicial confession and that too said

to have been made before the maternal uncle of the deceased would not in any case have much value in the eyes of law.

The recovery of an iron rod from the accused was also held by the learned trial Court to be weak. There was no independent evidence to corroborate the prosecution version in this regard. No blood stains were found on the said rod. It was also observed that there was no medical evidence to prove that the injuries on the dead body of Rajdeep Singh (deceased) could have been the result of iron rod blows. This aspect has also been correctly appreciated by the learned trial Court. Indeed the recovery of an iron rod is doubtful. The iron rod that was said to have been recovered was not sent for FSL examination and neither were any blood stains said to be on it.

The presence of the accused Gurbaj Singh (respondent No.2) with the deceased Rajdeep Singh at the time of occurrence, it was held by the learned trial Court that the said fact by itself could not be said to be an incriminating circumstance. The explanation given by the accused Gurbaj Singh, it was said, was not only plausible but rather seemed to be correct. The documents of Columbia Asia Hospital showed that in fact Gurbaj Singh (respondent No.2) took Rajdeep Singh (deceased) to the hospital. It seemed astonishing that the maternal uncle of the deceased i.e. Surjit Singh claimed to be an eye witness did not take any steps for taking his nephew to a hospital but the person who was stated to be the assailant had taken the injured to the hospital. In case the accused Gurbaj Singh (respondent No.2) wanted to kill Rajdeep Singh due to some monetary dispute, there was no reason for him

to take Rajdeep Singh to the hospital. A person who had caused such injuries to any person, it was observed, would not take him to the hospital so as to involve himself. It was also noticed that the police did not make any effort to record the statement of Rajdeep Singh though he was alive till 25.03.2012. From the nature of injuries on the person of Rajdeep Singh, it was observed that it seemed that he had received internal injury on his head which proved to be fatal. The medical evidence was held to be in consonance with the defence plea. This aspect, it may be noticed, has been correctly appreciated by the learned trial Court.

It may also be noticed that Surjit Singh had tried to implicate Bakhshish Singh and Rajwant Singh also in this case. They were summoned by the learned trial Court in terms of order dated 18.04.2013 under Section 319 Cr.P.C. The said order was, however, set aside by this Court on 17.09.2013 passed in Criminal Revision No.2111 of 2013. This Court noticed that the initial case of the prosecution was that Rajdeep Singh died in an accident and proceedings under Section 174 Cr.P.C. were initiated. However, according to Kawaljit Kaur complainant, Surjit Singh had disclosed to her on the day of the 'bhog' ceremony of Rajdeep Singh that in fact Gurbaj Singh @ Bajju had caused injuries with an iron rod to Rajdeep Singh on 18.03.2012 and at that time Mani Sharma (juvenile) was also present. The names of Bakshish Singh and Rajwant Singh, who had been summoned were not mentioned in the FIR nor in the statement of Surjit Singh under Section 161 Cr.P.C. Their names also did not figure in the 'challan' presented against Gurbaj Singh @ Bajju. Surjit Singh had made a statement

in Court in which he stated that Bakshish Singh was also present at the time of occurrence but he did not impute any specific attribution to him. The name of Rajwant Singh had been given by Surjit Singh stating that he had come to the house during the night when the incident had taken place. Accordingly, the order of the learned trial Court was set aside.

In the circumstances, it is to be noticed that Surjit Singh had tried to implicate Bakshish Singh and Rajwant Singh as well by making a statement in Court, which this Court found unsafe to rely upon as their names did not figure in the statement of the complainant or in the statement of Surjit Singh; besides, they were not sent up for trial in the report under Section 173 Cr.P.C., which was filed against Gurbaj Singh @ Bajju and Mani Sharma (juvenile). Therefore, it would indeed be unsafe to go by the statement of Surjit Singh alone, who almost 18 days after incident had occurred disclosed to Kawaljit Kaur that Gurbaj Singh @ Bajju (respondent No.2) had committed the murder of Rajdeep Singh. This also explains that even though Kawaljit Kaur had no motive to falsely implicate Gurbaj Singh @ Bajju and Mani Sharma, however, the possibility of her being misled in this regard by Surjit Singh (PW4) cannot be ruled out.

The learned trial Court has recorded sound reasons for acquitting Gurbaj Singh (respondent No.2) and, in any case, it is a reasonable and a possible view. In an appeal against acquittal of an accused where a reasonable and a possible view in acquitting an accused has been taken, the same is not liable to be lightly interfered with merely because another view may be possible.

Interference with an order of acquittal would be warranted only if the order is otherwise perverse, against the evidence and material on record and rendered in complete breach of the settled principles.

In the facts and circumstances of the case, we find no ground to interfere with the conclusions reached at by the learned trial Court and even otherwise finds merit in the appeal and the same is, accordingly, dismissed.

(S.S. Saron)
Judge

04.05.2015
yogesh/A.Kaundal

(Ramendra Jain)
Judge